

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 15887 of Richard W. Tynes, Jr., pursuant to 11 DCMR 3108.1, for a special exception under Section 802 to establish a recycling processing facility in a C-M-1 District at premises 6130 North Capitol Street, N.W., (Parcels 135/237 and 135/238 near Square 3374).

HEARING DATE: October 20 and December 1, 1993
DECISION DATE: December 1, 1993

DISPOSITION: The Board GRANTED the application by a vote of 5-0 (Laura L. Richards, Maybelle Taylor Bennett, George Evans, Craig Ellis and Angel F. Clarens to grant).

FINAL DATE OF ORDER: February 10, 1994

MODIFICATION ORDER

The Board granted the application by its order dated February 10, 1994 subject to ten conditions. By letter dated October 19, 1994, the applicant requested a waiver of the six-month filing requirement to allow the Board to receive his request for a modification of the plans originally approved by the Board. The applicant indicated that he did not receive a copy of the Board's order until approximately two months after its issuance. The Board granted the waiver of the six-month filing requirement at its public meeting of November 2, 1994.

The applicant's submission indicates that the requested modification of plans is required due to the physical layout and configuration of equipment and would result in the following changes:

1. Building location would be moved closer to the property line along Chillum Road.
2. Building size/configuration would be changed from 220' x 100' (22,000 sq. ft.) to 130' x 162' (21,060 sq. ft.).
3. Vehicular entrance would be moved to the west end of the site along Chillum Place.
4. Site Development:
 - a. Amount of bituminous paving would be reduced and the planting (green) area would be increased.

- b. Retaining walls would be eliminated.
 - c. Site lighting -- pole mounted fixtures would be eliminated and replaced with fixtures mounted on the building.
 - d. Truck scale would be relocated to the west side of the paved area.
5. Loading operation would be eliminated from Chillum Place (north side).
6. Fencing -- 130 linear feet of fencing would be eliminated.
7. Building Envelope:
- a. Height of building would be reduced to 31 feet from 41 feet at eaves (37 feet at the ridge)
 - b. Height of brick veneer would be reduced to 20 feet above grade from 25 feet.

The applicant argued that the proposed modification of plans represent minor changes necessitated by the configuration of the equipment to be used at the facility and would not significantly change the appearance or use of the facility. There was no opposition to the proposed modification of plans.

Upon consideration of the request for modification of plans, the record in the case, and its final order, the Board concludes that the modification of plans, as proposed, represents a significant departure from the project originally approved by the Board. The size and appearance of the building, vehicular circulation patterns, loading patterns, open green areas, and fencing have been altered and, therefore, could affect the material facts relied upon by the Board in granting the application. The Board concludes that the proposed modification of plans is not minor in nature. The Board notes that the applicant may file a new application with the Board for consideration of the project as contemplated in the revised plans, or, the applicant may proceed with the project as originally approved by the Board. Accordingly it is hereby ORDERED that the request for MODIFICATION OF PLANS is hereby DENIED.

DECISION DATE: November 2, 1994

VOTE: 3-0 (Maybelle Taylor Bennett, Laura M. Richards and Angel F. Clarens to deny; Craig Ellis not present, not voting; Susan Morgan Hinton not voting, not having heard the case).

BZA APPLICATION NO. 15887
PAGE NO. 3

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY: 
MADELIENE H. ROBINSON
Director

FINAL DATE OF ORDER: NOV 22 1994

UNDER 11 DCMR 3103.1, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

15887Order/TWR/bhs

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



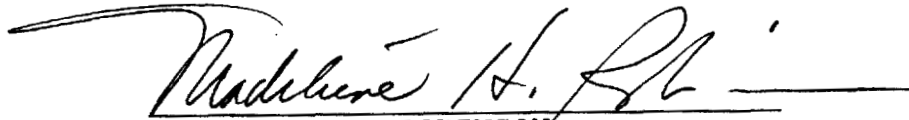
BZA APPLICATION NO. 15887

As Director of the Board of Zoning Adjustment, I hereby certify and attest to the fact that on NOV 22 1994 a copy of the order entered on that date in this matter was mailed postage prepaid to each party who appeared and participated in the public hearing concerning this matter, and who is listed below:

Richard W. Tynes, Jr.
611 L Street, N.W.
Washington, D.C. 20001

George C. Martin Family Joint Venture
P.O. Box 565
Garrett Park, Maryland 20896

Vannie Taylor, III, Chairperson
Advisory Neighborhood Commission 4B
6856 Eastern Avenue, N.W.
Washington, D.C. 20012


MADELIENE H. ROBINSON
Director

DATE: NOV 22 1994

15887Att/bhs